

## July 1, 1998

We concur: Vogel (Miriam A.), Acting P.J.  
Dunn, J. (Assigned)

DIVISION ONE (Continued)

B098932      Whitehead et al.      (Not for Publication)  
                 v.  
                 Nordskog Industries, Inc.

The judgment is reversed with respect to the granting of defendant's motion for nonsuit as to plaintiffs' cause of action for age discrimination and plaintiffs' request for punitive damages. In all other respects, the judgment is affirmed. Plaintiffs are entitled to costs on appeal.

Masterson, J.

We concur:    Spencer, P.J.  
                 Dunn, J. (Assigned)

101305-98

THE HONORABLE G. WILLIAM DUNN, Judge of the Long Beach Municipal Court, Los Angeles County, is hereby assigned to assist the Court of Appeal, Second Appellate District, Division One, as a justice thereof, from July 1, 1998, to December 31, 1998, and until completion and disposition of all causes and matters submitted pursuant to this assignment including, if necessary by reason of a vacancy or disqualification of a Court of Appeal justice, all petitions for rehearing arising out of such causes and matters.

This assignment does not extend to any matter in which the panel would be composed of two justices pro tempore.

Dated: May 28, 1998

Ronald M. George  
Chief Justice of California and  
Chairperson of the Judicial Council

DIVISION TWO

B109689      Collins      (Not for Publication)

v.  
Greenberg, et al.

The judgments appealed from are reversed. The matter is remanded to the trial court for further proceedings consistent with this opinion. Costs to appellant.

Nott, J.

We concur:    Boren, P.J.  
                  Fukuto, J.

B108140      Cowan & Cowan      (Not for Publication)

v.  
American Builder's Association, et al.

The judgment is reversed as to Mrs. Nouri as a trustee for the Trust. With that single exception, the judgment is affirmed. The parties are to bear their respective costs on appeal.

Nott, J.

We concur:    Boren, P.J.  
                  Fukuto, J.

B111396      People      (Not for Publication)

v.  
Montez

The judgment is affirmed.

Nott, J.

We concur:    Boren, P.J.  
                  Zebrowski, J.

July 1, 1998-Continued

DIVISION TWO (Continued)

B114331      Wishard & Kosten      (Not for Publication)  
                 v.  
                 W.R. Snodgrass Co.

The judgment appealed from is reversed. Costs to plaintiffs.

Nott, J.

We concur: Boren, P.J.  
                 Zebrowski, J.

B103081      Mercedes-Benz Credit Corp.      (Not for Publication)  
                 v.  
                 Masry

The judgment is affirmed. We deny respondent's request for sanctions.

Nott, J.

We concur: Fukuto, Acting P.J.  
                 Zebrowski, J.

B113374      People      (Not for Publication)  
                 v.  
                 Gallegos

The Court:

The judgment is affirmed.

Boren, P.J., Nott, J., Zebrowski, J.

July 1, 1998-Continued

## DIVISION TWO (Continued)

B110711      Quan  
v.  
Farmers Group, Inc.

Filed order vacating submission of June 25, 1998. Parties are directed to file supplemental briefs and the matter to stand re-submitting on July 31, 1998.

DIVISION THREE

B121665 Maria E. (Not for Publication)  
v.  
Superior Court, Los Angeles County  
(L.A. County DCFS, r.p.i.)

The petition is denied.

Klein, P.J.

We concur:   Croskey, J.  
                      Kitching, J.

B117950 People (Not for Publication)  
v.  
Rodrigo Ortiz

The judgment is affirmed.

Klein, P.J.

We concur:   Kitching, J.  
                      Aldrich, J.

July 1, 1998-Continued

### DIVISION THREE (Continued)

B118617 People (Not for Publication)

V.

Juan Jose Meza

The judgment is affirmed.

Klein, P.J.

We concur:   Kitching, J.

Aldrich, J.

B117619 People (Not for Publication)

V.

Ricardo M. Scott

The judgment is affirmed.

Klein, P.J.

We concur:   Croskey, J.

Aldrich, J.

B111218 People (Not for Publication)

V.

Kenneth Lee Ferguson

The judgment is affirmed.

Klein, P.J.

We concur:   Croskey, J.

Goodman, J. (Assigned)

July 1, 1998-Continued

### DIVISION THREE (Continued)

B102001      People                                  (Not for Publication)  
v.  
**Sean Michael Howard and Michael Angelo Ruiz, Jr.**

The judgments are affirmed.

Klein, P.J.

We concur:   Croskey, J.  
                      Aldrich, J.

B115583      People                                  (Not for Publication)  
v.  
Brown, et al.

The judgments are affirmed.

Aldrich, J.

We concur: Kitching, Acting P.J.  
Goodman, J. (Assigned)

[illegible]

The judgment is affirmed.

Aldrich, J.

We concur:   Croskey, Acting P.J.  
                  Goodman, J. (Assigned)

July 1, 1998-Continued

### DIVISION THREE (Continued)

[illegible]

The judgment is affirmed.

Aldrich, J.

We concur:   Croskey, Acting P.J.  
                  Kitching, J.

B108143      Silver      (Not for Publication)  
v.  
Darrow Heating & Air Conditioning Corp.

The judgment is affirmed.

Aldrich, J.

We concur:   Kitching, Acting P.J.  
                      Goodman, J. (Assigned)

B103570      Grassy Knoll, et al.      (Not for Publication)  
v.  
Highland Savings & Loan, et al.

The judgment is affirmed.

Aldrich, J.

We concur: Klein, P.J.  
Croskey, J.

July 1, 1998-Continued

### DIVISION THREE (Continued)

B109199 People (Not for Publication)  
v.  
Skinner

The judgment is affirmed.

Aldrich, J.

We concur: Klein, P.J.  
Kitching, J.

B110016      People                                  (Not for Publication)  
v.  
Pedregon, et al.

The judgment as to Pedregon is modified to award him 350 days of presentence custody credit. In all other respects, the judgments are affirmed.

Aldrich, J.

We concur: Klein, P.J.  
Goodman, J. (Assigned)

B110480 People (Not for Publication)  
v.  
Dixon

The judgment is affirmed.

Aldrich, J.

We concur: Klein, P.J.  
Croskey, J.

July 1, 1998-Continued

### DIVISION THREE (Continued)

B112284 People (Not for Publication)

V.

# Regalo

The judgment is affirmed.

Goodman, J. (Assigned)

We concur:   Croskey, Acting P.J.

Aldrich, J.

B112389      People      (Not for Publication)

V.

Lopez

The judgment is modified by amending the abstract of judgment to correctly state the number of days of credit for "actual local time" to 249 days and the total number of days credits as 286 days (249 plus 37). The trial court is directed to amend the abstract of judgment accordingly and to forward a copy thereof to the Department of Corrections. As modified, the judgment is affirmed.

Goodman, J. (Assigned)

We concur:   Kitching, Acting P.J.

Aldrich, J.

July 1, 1998-Continued

DIVISION FOUR

101598-98

THE HONORABLE FLORENCE-MARIE COOPER, Judge of the Los Angeles Superior Court, Los Angeles County, is hereby assigned to assist the Court of Appeal, Second Appellate District, Division Four, as a justice thereof, from July 1, 1998, to September 30, 1998, and until completion and disposition of all causes and matters submitted pursuant to this assignment including, if necessary by reason of a vacancy or disqualification of a Court of Appeal justice, all petitions for rehearing arising out of such causes and matters.

This assignment does not extend to any matter in which the panel would be composed of two justices pro tempore.

Dated: June 17, 1998

Ronald M. George  
Chief Justice of California and  
Chairperson of the Judicial Council

[illegible]

The judgment is affirmed.

Vogel (C.S.), P.J.

We concur: Epstein, J.  
Hastings, J.

July 1, 1998-Continued

## DIVISION FOUR (Continued)

B121334 Evelyn C. (Not for Publication)  
v.  
Superior Court, Los Angeles County  
(Los Angeles County Department of Children and Family Services, r.p.i.)

The petition for extraordinary relief is denied.

Cooper (F.M.) , J. (Assigned)

We concur: Epstein, Acting P.J.  
Hastings, J.

[illegible]

The judgment is affirmed.

Hastings, J.

We concur: Epstein, Acting P.J.  
Cooper (F.M.), J. (Assigned)

[illegible]

The judgment is affirmed.

Hastings, J.

We concur: Epstein, Acting P.J.  
Czuleger, J. (Assigned)

July 1, 1998-Continued

DIVISION FIVE

B110751      People                                  (Not for Publication)  
v.  
Barry Dibble III

The judgment as to count two is reversed and the charge is ordered dismissed. The judgment is modified to reflect that defendant is to receive 714 days of presentence credits, consisting of 476 days of actual credit and 238 days of conduct credit. The cause is remanded to allow the trial judge to strike or impose the prior prison term enhancement and the two enhancements for personal use of a deadly weapon as permitted by Penal Code section 1385, subdivision (a). Upon completion of resentencing, the clerk of the superior court is to prepare an amended abstract of judgment reflecting the revised sentence and awarded presentence credits and forward it to the Department of Corrections. In all other respects, the judgment is affirmed.

Turner, P.J.

We concur: Grignon, J.  
Godoy Perez, J.

## DIVISION SEVEN

B111884      Los Angeles County, D.C.S.      (Not for Publication)  
v.  
Dennis P.  
In re Danielle P., a minor

The judgment of the juvenile court is affirmed.

Johnson, J.

We concur: Lillie, P.J.  
Neal, J.

July 1, 1998-Continued

## DIVISION SEVEN (Continued)

B117376      People                          (Not for Publication)  
v.  
Stackpole

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The judgment is affirmed.

Lillie, P.J.

We concur:   Johnson, J.  
                      Neal, J.

B114757 People (Not for Publication)  
v.  
Flores

The judgment is affirmed.

Neal, J.

We concur: Lillie, P.J.  
Johnson, J.

B116336      People                                  (Not for Publication)  
v.  
Arleen C., a minor

The judgment is affirmed.

Neal, J.

We concur: Lillie, P.J.  
Johnson, J.

July 1, 1998-Continued

DIVISION SEVEN (Continued)

B114101      People  
                 v.  
                 Superior Court, Los Angeles County  
                 (Laff, R.P.I.)  
  
                 Filed order denying petition for rehearing.